IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.1385 OF 2005.

WITH

CIVIL APPLICATION NO.3337 OF 2005.

Shri Shankar Mahadev Rajput : Appellant.

versus

Bombay Municipal Corporation of Gr. Bombay. : Respondents.

Mr.R.S.Yadav for the appellant.

Mr.J.J.Xavier for the respondents/BMC.

CORAM : J.H.BHATIA,J.

DATED : 3rd August 2005.

P.C.

1. Learned counsel appearing for the appellant and the learned counsel for the respondents/BMC are present. By consent, the appeal is taken up for final hearing and R&P is

waived. Heard learned counsel Mr.Yadav for the appellant and learned counsel Mr.Xavier for the respondents/BMC. Perused the impugned judgment. Learned counsel for the appellant has shown me a copy of City Survey plan, xerox copy of mutation entry, xerox copy of 7X12 extract. As per 7X12 extract, in Survey No.170, Hissa No.5 several persons have shares. Parvatibai wd/o deceased Mahadev Rajput and other three also have certain shares in that land. The copy of the City Survey Plan indicates that City Survey No.2536 belongs to one Smt.Kusum Rajput who is certainly not one of the shareholders along with Parvatibai Mahadev Rajput, though the appellant is the son of Parvatibai and deceased Mahadev. It is difficult to co-relate the City Survey No.2536 along with the said land.

2. Further the appellant contended that some unnamed officers of the respondents/BMC had threatened to take action against putting barbed wire fencing around the land. The Respondents/BMC has not issued any notice for taking any action. Officers, who had allegedly given threats, are not personally made party. Smt.Kusum Rajput, who has been shown owner of the

City Survey No.2536 is not the party to the proceedings.

3. For the aforesaid reasons and taking into consideration the materials before the trial Court I do not find any substance in this appeal. In the result, the appeal stands dismissed along with the civil application.

****